

REMARKS

Claims 1-23 are pending. Claims 1, 8 and 15 have been amended and claims 21-23 have been added. Reconsideration and allowance of the application based on the below comments are respectfully requested.

The Office Action rejects claims 1-20 under 35 U.S.C. §102(e) as being anticipated by Hashimoto (U.S. 6,704,054). This rejection is respectfully traversed.

Independent claim 1 recites, *inter alia*, a central processing unit having a memory and program logic, in which the program logic solely in accordance with predetermined conditions stored in the memory, the device having set the predetermined conditions in advance, determines a start point of a search for an in focus position of an image of the subject on the imaging position.

Independent claim 8 recites, *inter alia*, determining, solely in accordance with predetermined conditions, the device having set the predetermined conditions in advance, a start point from which to move the focusing lens along the optical axis in searching for an in focus position and positioning the focus lens at the start point.

Independent claim 15 recites, *inter alia*, a computer program that causes the computer to determine, solely in accordance with predetermined conditions, the device having set the predetermined conditions in advance, a start point from which to move the focusing lens along the optical axis in searching for an in focus position and positing the focus lens at the start point.

The present invention as claimed provides the ability to quickly obtain the focus position in any photographic scenario. Predetermined conditions that are set in advance of an image operation by the imaging device, are used to determine start positions for the focusing lens. For example, predetermined conditions based on the photographic mode such as a close-up shot, landscape, etc. determines at what point to start the focusing lens to search for an in focus position so that a search of the entire range of the lens does not have to be performed. The other predetermined conditions such as the area searched within the image stating position, the direction the focusing lens moves from the start position, and the range searched within the focusing lens are all based on the selected photographic mode. This data along with analyzed data recovered from a sensor allow for the camera to quickly auto focus on a shooting subject.

Hashimoto teaches an image pick-up apparatus that has an auto focusing feature. The auto focusing features, in contrast to the claimed present invention, carries out an infrared processing to determine the distance between the apparatus and the image subject. The infrared distance data is provided to a CPU that processes the data through predetermined calculations. See column 8, lines 10-15. A rough distance from the apparatus to the subject is obtained from the calculation. The calculation is compared with a predetermined distance to determine one of two ranges in which an auto focusing processing is accomplished. If the calculated distance is equal to or longer than the predetermined distance the auto focusing processing is performed in a second

range smaller than a predetermined first range. If the calculated distance is shorter than the predetermined distance, the auto focusing processing is performed in the predetermined first range. See column 8, lines 27-52 and column 9, lines 34-47.

In Hashimoto, the predetermined distance is used to determine one of two ranges based on a calculated distance where the auto focusing will be accomplished. At column 9, lines 51-67, Hashimoto discusses the determination of the start and stop position of the two ranges. The start and stop positions are based upon the infrared auto focusing result which is the calculated distance result based on the infrared distance information. The start position within the range is obtained by subtracting a variable Gs from the infrared auto focusing result. The stop position is obtained by adding a variable Gs to the position obtained from the infrared auto focusing result. Therefore, a start position for the range is based upon a subtraction of a variable from the calculated infrared result.

The start position in Hashimoto is derived from the combination of a predetermined distance and calculations from obtained infrared distance information. The start position is not determined solely in accordance with predetermined conditions, as in the present invention. Further, the start position can not be set in advance since a calculation is necessary to achieve the start position.

Thus, Hashimoto fails to teach each and every feature of the claimed invention as required. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

For at least these reasons, it is respectfully submitted that claims 1-23 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 09/737,968

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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